

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 8, line 21, after "differing" insert "**composition**".
- 2 Page 8, delete lines 22 through 24.
- 3 Page 8, between lines 40 and 41, begin a new paragraph and insert:
- 4 "SECTION 4. IC 29-1-8-1 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Forty-five (45)
- 6 days after the death of a decedent and upon being presented an affidavit
- 7 that complies with subsection (b), a person:
- 8 (1) indebted to the decedent; or
- 9 (2) having possession of personal property or an instrument
- 10 evidencing a debt, an obligation, a stock, or a chose in action
- 11 belonging to the decedent;
- 12 shall make payment of the indebtedness or deliver the personal property
- 13 or ~~an~~ **the** instrument evidencing a debt, an obligation, a stock, or a
- 14 chose in action to a person claiming to be entitled to payment or
- 15 delivery of property of the decedent.
- 16 (b) The affidavit required by subsection (a) must be an affidavit

made by or on behalf of the claimant ~~stating that~~ **and must state the following:**

(1) **That** the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed ~~twenty-five~~ **fifty** thousand dollars ~~(\$25,000); (\$50,000).~~

(2) **That** forty-five (45) days have elapsed since the death of the decedent.

(3) **That** no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction. ~~and~~

(4) The name and address of each other person that is entitled to a share of the property and the part of the property to which each person is entitled.

(5) That the claimant has notified each person identified in the affidavit of the claimant's intention to present an affidavit under this section.

~~(4)~~ **(6) That** the claimant is entitled to payment or delivery of the property **on behalf of each person identified in the affidavit.**

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and ~~(b)(4)~~ **(b)(6)**. The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a claimant upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or

1 the United States is considered personal property belonging to the
 2 decedent in the possession of the financial institution.

3 SECTION 5. IC 29-1-8-4.5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The person
 5 claiming to be entitled to payment or delivery of the property belonging
 6 to the decedent may present to the court having jurisdiction over **the**
 7 decedent's estate an affidavit containing a statement of the conditions
 8 required under subdivisions ~~(1)~~ through ~~(4)~~ of section ~~1(a)~~ **section**
 9 **(1)(b)** of this chapter. Upon receipt of the affidavit, the court may,
 10 without notice and hearing, enter an order that the claimant is entitled
 11 to payment or delivery of the property."

12 Page 11, between lines 8 and 9, begin a new paragraph and insert:
 13 "SECTION 9. [EFFECTIVE JULY 1, 2006] **IC 29-1-8-1 and**
 14 **IC 29-1-8-4.5, both as amended by this act, apply to the estate of an**
 15 **individual who dies after June 30, 2006.**"

16 Renumber all SECTIONS consecutively.

(Reference is to SB 114, Printer's Error, as reprinted January 25,
 2006.)

and when so amended that said bill do pass.

Representative Foley